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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,385	02/05/2004	Alex T. Beleski	2401-100	3045

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EXAMINER

NGUYEN, PHONG H

ART UNIT PAPER NUMBER

3724

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/771,385	Applicant(s) BELESKI, ALEX T.	
	Examiner Phong H. Nguyen	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 16, 17 and 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15, 18-20, 23-26, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 9, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/072004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the limitation of the runners in claim 25 is not in the Specification.
2. The disclosure is objected to because of the following informalities: it is unclear whether the unit of the workpiece 88 is in inches or feet.  
  
Appropriate correction is required.
3. The Specification is objected to under 37 CFR 1.71 because it does not explain how (1) the fourth angle in claim 5 is formed, (2) the second guiding trip aligns with the third edge of the platform to form the third pre-determined angle in claim 23, (3) the first distance and the second distance in claim 25 are measured, and (4) what the role of the parameter “less ¼ inches” in claim 25 is.

### *Drawings*

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, (1) the first guiding strip is movable into a position in which the first guiding trip and the runners form a fourth pre-determined angle in claim 5, (2) the second guiding trip aligns with the third edge of the platform to form the third pre-determined angle in claim 23, and (3) the first

distance and the second distance in claim 25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to because there is no indication where the cross-sectional Fig. 2 is taken. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a

drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 23, 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 5, it is unclear how the first guiding strip is moveable to form a fourth pre-determined angle with the runners. In Fig. 1, 4 and 5, the first guiding strip

and the runners form a 90-degree angle only and the guiding strip cannot be moveable to a different location to form an angle other than the 90-degree angle.

Regarding claim 23, in Fig. 4, it appears that the second guiding strip does not align with neither edge 28 or 30 when it is in engagement with the runner at the third predetermined angle.

Regarding claim 25, it is unclear how the second perpendicular distance is measured; and what the role of the limitation "less 1/4 inches" is.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6, 7, 18, 20, 24, 30 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble (5,226,345) in view of Gommper et al. (6,725,558 B2), hereinafter Gommper, and Carter (3,738,211).

Regarding claims 1-4, 6 and 7, Gamble teaches a guide for a power saw comprising a platform 12 and two runners (14, 16). See Figs. 1-3.

Gamble fails to teach a first guiding strip. Gommper teaches a first guiding strip 24. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to provide a first guiding strip as taught by Gommper to the guide of Gamble so that one can cut strips with different widths.

Gamble fails to teach a second guiding strip. Carter teaches a second guiding strip 32. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to provide a second guiding strip as taught by Carter to the guide of Gamble so that one can make beveled cuts.

Regarding claim 18, the runner and the platform are connected together to form an one-piece guide.

Regarding claims 20 and 24, the first engagement point is the pivot point and the second engagement point and the third engagement point are located along a slot 38. See Fig. 1 in Carter.

Regarding claim 30, Gamble does not teach the height of the runners. However, providing the runners with a desired height so that it can accommodate a workpiece with a desired thickness is routine skill in the art.

Regarding claim 31, Gamble does not teach the distance between the two runners. However, providing a desired distance between the runners so that it can accommodate a workpiece with a desired width is routine skill in the art.

9. Claims 8, 12-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble in view of Gommper and Carter as applied to claims above, and further in view of Larson (2,637,358).

Regarding claim 8, the modified guide of Gamble teaches the invention substantially as claimed except for peg-locks and peg-holes. Larson teaches peg-locks 78 and peg-holes for holding a workpiece in place. See Fig. 1. Therefore, it would have

been obvious to one skilled in the art to provide peg-locks and peg-holes as taught by Larson to the Gamble's guide for holding a workpiece in place.

Regarding claims 12 and 13, providing an appropriate distance between two rows of peg-holes for holding a workpiece having a desired width is routine skill in the art.

Regarding claim 14, using plastic to manufacture the guide of Gamble is routine skill in the art.

Regarding claim 19, using plastic to manufacture the peg-locks is routine skill in the art.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble in view of Gommper and Carter as applied to claims above, and further in view of Larson and further in view of Bollmer (4,131,040).

Regarding claims 11 and 12, Larson teaches the peg-locks substantially as claimed except for each peg-lock having a shoulder. Bollmer teaches a peg-lock 27 having a shoulder. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to provide peg-locks of Larson a shoulder as taught by Bollmer so that the peg-locks will be retained in the platform.

***Allowable Subject Matter***

11. Claims 9, 10, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



*Conclusion*


12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hopla (2,773,523), Ende (2,895,515), Bretthauer (3,741,063), Avery (2,595,322) and Sadler (1,535,042) teach guide assemblies of general interest.

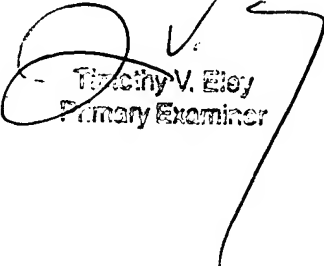
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: 

November 28, 2005

  
Timothy V. Eley  
Primary Examiner